

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ABRAR OMEISH

Plaintiff,

v.

SHERIFF STACEY ANN KINCAID, ET AL,

Defendants.

Case No. 1:21-cv-00035-LO-IDD

District Judge Liam O'Grady
Magistrate Judge Ivan Davis

MOTION FOR RULE 16 SCHEDULING ORDER

Plaintiff Abrar Omeish moves the Court to issue a scheduling order. Although the parties ultimately participated in a Rule 26(f) conference on July 30, Defendant Sheriff Kincaid has since indicated that she will not agree to the otherwise-agreed-by-all parties Rule 26(f) Report (Exhibit A) absent a Rule 16 order. *See* Fed. R. Civ. P. 26(f)(1) (“the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b)”); Fed. R. Civ. P. 26(f)(2) (“The attorneys ... are jointly responsible for ... submitting to the court within 14 days after the conference a written report outlining the plan”); *see also* Exhibit B (Email from counsel for Sheriff Kincaid to Counsel for Plaintiffs and Officer Patrick).

Under Rule 16(b)(2), a scheduling order should be issued, at the latest, “within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.” Appearances were made in this case on March 11, 2021. The Court denied Defendant Kincaid’s Motion to Dismiss in part on June 15, and Sheriff Kincaid filed her answer on July 6.

Plaintiff has conferred with opposing counsel for the parties. Officer Patrick consents to this Motion. Sheriff Kincaid opposes.

Dated: August 11, 2021

Respectfully submitted,

CAIR LEGAL DEFENSE FUND

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